

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

ROBERTO GUEVARA CHICAS, *et al.*

(Plaintiffs)

vs.

PHO DELUXE ARLINGTON, INC., et al.

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Case No. 1:18-cv-39-CMH/TCB

**ANSWER**

Defendants Pho Deluxe Arlington, Inc., Pho Deluxe Tysons, Inc., Hue Kim Nguyen, and Dan D. Kim, by and through their undersigned counsel, state as follows for their Answer to the Complaint filed by Plaintiffs Roberto Guevara Chicas and Jose Vicente Hernandez:

1. Defendants lack information sufficient to form a belief as to the truth of the allegations contained in paragraph 1; therefore, Defendants deny these allegations.

2. Defendants admit the allegations contained in Paragraph 2 of the Complaint.

3. Defendants admit the allegations contained in Paragraph 3 of the Complaint.

4. Defendants deny the allegations contained in Paragraph 4 of the Complaint.

5. Defendants deny the allegations contained in Paragraph 5 of the Complaint.

6. Defendants admit that Hue Kim Nguyen and Dan D. Nguyen are husband and wife, but deny the remaining allegations of Paragraph 6 of the Complaint.

7. Defendants lack information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 and demand strict proof thereof.

8. Defendants admit that Pho Deluxe Arlington, Inc. was the employer of Plaintiffs Roberto Guevara Chicas and Jose Vicente Hernandez, and Pho Deluxe Tyson was at some point

also an employer of Defendant Jose Vicente Hernandez. All remaining allegations of Paragraph 8 are denied.

9. Defendants deny the allegations contained in Paragraph 9 of the Complaint. Plaintiff Chicas worked as a waiter and server, and Plaintiff Hernandez worked as a dishwasher and occasionally bussed tables.

10. Defendants admit that they generate gross revenue exceeding Five Hundred Thousand Dollars (\$500,000.00), but deny the remaining allegations contained in Paragraph 10 of the Complaint.

11. Defendants deny the allegations contained in Paragraph 11 of the Complaint.

12. Paragraph 12 consists of legal conclusions, to which no response is required. To the extent required, Defendant denies the allegations in paragraph 12.

13. Defendants deny the allegations contained in Paragraph 13 of the Complaint.

14. Defendants deny the allegations contained in Paragraph 14 of the Complaint.

15. Defendants admit the allegations contained in Paragraph 15 of the Complaint.

16. Defendants admit the allegations contained in Paragraph 16 of the Complaint.

17. Defendants admit the allegations contained in Paragraph 17 of the Complaint.

18. Defendants deny the allegations contained in Paragraph 18 of the Complaint.

19. Paragraph 19 consists of legal conclusions, to which no response is required. To the extent required, Defendants deny the allegations in paragraph 19.

20. Paragraph 20 consists of legal conclusions, to which no response is required. To the extent required, Defendants deny the allegations in paragraph 20.

21. Paragraph 21 consists of legal conclusions, to which no response is required. To the extent required, Defendants deny the allegations in paragraph 21.

22. Defendants deny the allegations contained in Paragraph 22 of the Complaint.
23. Defendants deny the allegations contained in Paragraph 23 of the Complaint.
24. Defendants deny the allegations contained in Paragraph 24 of the Complaint.
25. Paragraph 25 consists of legal conclusions, to which no response is required. To the extent required, Defendants deny the allegations in paragraph 25.
26. Paragraph 26 consists of legal conclusions, to which no response is required. To the extent required, Defendants deny the allegations in paragraph 26.
27. Paragraph 27 consists of legal conclusions, to which no response is required. To the extent required, Defendants deny the allegations in paragraph 27.
28. Paragraph 28 consists of legal conclusions, to which no response is required. To the extent required, Defendants deny the allegations in paragraph 28.
29. Paragraph 29 consists of legal conclusions, to which no response is required. To the extent required, Defendants deny the allegations in paragraph 29.
30. Paragraph 30 consists of legal conclusions, to which no response is required. To the extent required, Defendants deny the allegations in paragraph 30.
31. Paragraph 31 consists of legal conclusions, to which no response is required. To the extent required, Defendants deny the allegations in paragraph 31.
32. Defendants admit that they have knowledge of the FLSA's requirements regarding overtime pay, but deny that Plaintiffs are/were entitled to overtime pay.
33. Defendants deny the allegations contained in Paragraph 33 of the Complaint
34. Paragraph 34 consists of legal conclusions, to which no response is required. To the extent required, Defendants deny the allegations in paragraph 34.

35. Paragraph 35 consists of legal conclusions, to which no response is required. To the extent required, Defendants deny the allegations in paragraph 35.

36. Paragraph 36 consists of legal conclusions, to which no response is required. To the extent required, Defendants deny the allegations in paragraph 36.

37. Paragraph 37 consists of legal conclusions, to which no response is required. To the extent required, Defendants deny the allegations in paragraph 37.

38. Paragraph 38 consists of legal conclusions, to which no response is required. To the extent required, Defendants deny the allegations in paragraph 38.

39. Paragraph 39 consists of legal conclusions, to which no response is required. To the extent required, Defendants deny the allegations in paragraph 39.

40. Paragraph 40 consists of legal conclusions, to which no response is required. To the extent required, Defendants deny the allegations in paragraph 40.

41. Defendants deny the allegations contained in Paragraph 41 of the Complaint.

42. Defendants lack information sufficient to form a belief as to the truth of the allegations contained in paragraph 42 and demand strict proof thereof.

43. Paragraph 43 consists of legal conclusions, to which no response is required. To the extent required, Defendants deny the allegations in paragraph 43.

44. Defendants lack information sufficient to form a belief as to the truth of the allegations contained in paragraph 44 and demand strict proof thereof.

45. Paragraph 45 consists of legal conclusions, to which no response is required. To the extent required, Defendants deny the allegations in paragraph 45.

46. Defendants lack information sufficient to form a belief as to the truth of the allegations contained in paragraph 46 and demand strict proof thereof.

47. Defendants lack information sufficient to form a belief as to the truth of the allegations contained in paragraph 47 and demand strict proof thereof.

WHEREFORE, having fully responded to Plaintiffs' Complaint, Defendant prays that:

- a) the Court enter judgment for Defendants on Plaintiffs' Complaint and that Plaintiffs recover nothing from Defendants;
- b) the costs of this action be taxed against the Plaintiffs; and
- c) this Court order such other and further relief as it deems necessary and proper.

Respectfully submitted this 7<sup>th</sup> day of February, 2018;

**By: /s/ Jeremy C. Huang**

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#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing document was filed through the Court's CM/ECF system, which will provide notice to all parties indicated on the electronic filing receipt.

**/s/ Jeremy C. Huang**  
Jeremy C. Huang